

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BONNIE WEBB and ANGELA FULLER)
f/k/a ANGELA GRUBBS)
on behalf of plaintiffs and a class,)

Plaintiffs,

11-cv-5111

V.

Judge Joan H. Lefkow

MIDLAND CREDIT MANAGEMENT,)
INC.; MIDLAND FUNDING LLC;)
and ENCORE CAPITAL GROUP, INC.,)
formerly MCM CAPITAL GROUP, INC.,)

Magistrate Judge Martin C. Ashman

Defendants.

**PLAINTIFF’S RESPONSE TO DEFENDANTS’ ADDITIONAL AUTHORITY IN
SUPPORT OF ITS MOTION TO COMPEL ARBITRATION**

Plaintiff Webb submits this response to the additional authority raised in Defendants' renewed motion to compel arbitration and stay proceedings, filed on April 24, 2012:

On April 24, 2012, Defendants filed a renewed motion to compel arbitration [Dkt. No. 67], incorporating by reference their Amended Motion to Compel Arbitration and Stay Proceedings.

In their renewed motion, Defendants cite, as additional authority, a recent order entered in *Gray v. Suttell & Assoc.*, Case Nos. CV-09-251-EFS, CV-10-5132 (E.D.Wash. March 19, 2012). The order entered in the *Gray* case, granting the motion to compel arbitration, has no application to the current litigation.

Not only is that decision based on an entirely different arbitration agreement (the debt at issue in the *Gray* case is a Household Finance Corp. debt while Plaintiff Webb’s debt is alleged to be a Citibank debt) but also, in the *Gray* case, it was “undisputed that Ms. Lauber’s outstanding account was” one of the debts assigned from Household to Midland. *See* Defendants’ Exhibit 1 [Dkt. No. 67-1], page 4 of order. Here, Plaintiff Webb specifically disputes that Midland was ever assigned the Citibank account and that Midland can take advantage of the purported arbitration clause contained within that credit card agreement. *See* Plaintiff’s Response and Surreply to Motion

to Compel Arbitration, [Dkt. Nos. 47 and 52].

With respect to the remainder of Defendants' arguments, Plaintiff Webb hereby incorporates by reference her Response and Surreply to Defendants' Amended Motion to Compel Arbitration, including the supporting memorandum and exhibits thereto. [Dkt. Nos. 47 and 52]

WHEREFORE, Plaintiff Webb respectfully requests that this Court enter an order denying Defendants' amended motion to compel arbitration and stay proceedings.

Respectfully submitted,

s/Cassandra P. Miller
Cassandra P. Miller

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CERTIFICATE OF SERVICE

I, Cassandra P. Miller, hereby certify that on May 8, 2012, a copy of the foregoing was filed electronically using the Court's CM/ECF system, a copy of which was also sent via US mail to the following:

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